

I.D. 06184818

File No. 3900-034

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

J&J SPORTS PRODUCTIONS, INC.,)	
Plaintiff,)	
v.)	
)	08 C 2571
ALLISON HEARD, individually and)	
d/b/a WIG, INC. d/b/a PAJE and WIG, INC.,)	Judge Castillo
d/b/a PAJE,)	
Defendants.)	Magistrate Judge Denlow

**MOTION TO CORRECT SCRIVENER'S ERROR, FOR LEAVE TO FILE AND
TO VACATE DISMISSAL FOR WANT OF PROSECUTION**

NOW COMES the Plaintiff, J&J SPORTS PRODUCTIONS, INC., by and through their attorneys, ZANE D. SMITH, ZANE D. SMITH & ASSOCIATES, LTD., and respectfully requests that this Honorable Court correct the Scrivener's error contained in Plaintiff's Complaint, allow Plaintiff to file and amended Complaint and vacate its order of July 22, 2008 dismissing this matter for want of prosecution and in support thereof, states as follows:

1. Plaintiff's Complaint contains a scrivener's error in that the Defendant is incorrectly named as Allison Heard Banda.
2. The proper name of Defendant should be Allison Heard not Allison Heard Banda.
3. Due to the scrivener's error the Clerk of the United States District Court mistakenly cited this matter as J&J Sports Productions, Inc. v. Banda, et al. (*See ECF Email attached hereto as Exhibit "A"*).
4. Plaintiff has another matter which actually is J&J Sports Productions, Inc. v. Banda, et al., which was scheduled before Judge Der-Yeghiayan on July 22, 2008 also (*See ECF Email attached hereto as Exhibit "B"*).
5. Plaintiff's counsel only put the Banda matter before Judge Der-Yeghiayan in the calendar believing that it was the only Banda case.
5. Plaintiff did not realize the error until Judge Castillo's order dismissing this matter for want of prosecution was received.
6. Plaintiff now wishes to file an amended complaint properly naming Allison Heard.

7. Further Plaintiff wishes to file its 26(a)(1) disclosure *instanter*.

WHEREFORE, Plaintiff, prays this Honorable Court vacate its order of July 22, 2008 dismissing this matter for want of prosecution, allow Plaintiff to file its Amended Complaint and 26(a)(1) disclosures **instanter** and for any additional relief this Court deems just.

/s/ Zane D. Smith

Zane D. Smith

ZANE D. SMITH & ASSOCIATES, LTD.

415 N. LaSalle Street, Suite 300

Chicago, Illinois 60610

(312) 245-0031

(312) 245-0022 - Fax

CERTIFICATE OF SERVICE

I, Zane D. Smith, on oath state that a true and correct copy of the foregoing was electronically filed with the Clerk of the Court on July 29, 2008, using the CM/ECF system which will send notification of such filing(s) to all attorneys of record. Under the penalties of perjury, I certify that the above statements set forth herein are true and correct.

/s/ Zane D. Smith

Zane D. Smith

Patty Meinke

3900-033

From: <usdc_ecf_ilnd@ilnd.uscourts.gov>
To: <ecfmail_ilnd@ilnd.uscourts.gov>
Sent: Friday, May 30, 2008 9:26 AM
Subject: Activity in Case 1:08-cv-02571 J&J Sports Productions, Inc. v. Banda et al set deadlines/hearings

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United States District Court

Northern District of Illinois - CM/ECF LIVE, Ver 3.1.3

Notice of Electronic Filing

The following transaction was entered on 5/30/2008 at 9:26 AM CDT and filed on 5/30/2008

Case Name: J&J Sports Productions, Inc. v. Banda et al

Case Number: 1:08-cv-2571

Filer:

Document Number: 6

Docket Text:

MINUTE entry before the Honorable Ruben Castillo:The parties are directed to file a joint status report on or before 7/17/2008. The Court will hold a status hearing in open court on 7/22/2008 at 9:45 AM. The Court's review of the complaint indicates that it is appropriate to give this case expedited treatment. The parties are authorized to proceed with all discovery. All discovery to be completed on or before 9/30/2008. This case is subject to be called for trial anytime after 9/30/2008 upon a five business days notice. Plaintiff is requested to serve the complaint in a manner to adhere to this expedited schedule. Plaintiff is also ordered to make a disclosure pursuant to Fed.R.Civ.P. 26(a)(1) to defendants by 6/20/2008. The parties are ordered to fully exhaust all settlement possibilities prior to the first status hearing. Mailed notice (rao,)

1:08-cv-2571 Notice has been electronically mailed to:

Zane D. Smith zane@zanesmith.com, patty@zanesmith.com

1:08-cv-2571 Notice has been delivered by other means to:

6/2/2008

Patty Meinke

3900-033

From: <usdc_ecf_ilnd@ilnd.uscourts.gov>
To: <ecfmail_ilnd@ilnd.uscourts.gov>
Sent: Friday, May 09, 2008 10:56 AM
Subject: Activity in Case 1:08-cv-02570 J&J Sports Productions, Inc. v. Banda et al set/reset hearings

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United States District Court

Northern District of Illinois - CM/ECF LIVE, Ver 3.1.3

Notice of Electronic Filing

The following transaction was entered on 5/9/2008 at 10:56 AM CDT and filed on 5/9/2008

Case Name: J&J Sports Productions, Inc. v. Banda et al

Case Number: 1:08-cv-2570

Filer:

Document Number: 6

Docket Text:

MINUTE entry before Judge Honorable Samuel Der-Yeghiayan: Initial status hearing set for 07/22/08 at 9:00 a.m. At least four working days before the initial status hearing, the parties shall conduct a FRCP 26(f) conference and file a joint written Initial Status Report, not to exceed five pages in length, and file the Court's Joint Jurisdictional Status Report and deliver courtesy copies to this Court's chambers. The Court's standing orders on the Initial Status Report and Joint Jurisdictional Status Report maybe obtained from Judge Der-Yeghiayan's web page or from this Court's Courtroom Deputy. Counsel for the Plaintiff is warned that failure to serve summons and complaint on Defendants will result in a dismissal of the action and/or a dismissal of that Defendant not properly served pursuant to FRCP 4. Counsel for Plaintiff is further directed to file with the Clerk of Court, the appropriate returns of service and/or waivers of service. Mailed notice (mw,)

1:08-cv-2570 Notice has been electronically mailed to:

Zane D. Smith zane@zanesmith.com,patty@zanesmith.com

1:08-cv-2570 Notice has been delivered by other means to:



5/12/2008